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November 25, 2013

Ms. Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Discussion Draft – Groundwater Workplan Concept Paper

Dear Chair Marcus:

On behalf of the thirty-three member counties of the Rural County Representatives of California (RCRC), I welcome the opportunity to provide comments on the Discussion Draft Groundwater Workplan Concept Paper (Groundwater Workplan).

First, I would like to take this opportunity to thank you and State Water Board staff for meeting with county representatives on November 15 to present, answer questions, and receive comments on the Groundwater Workplan and to receive comments on the recently released California Water Action Plan (Water Action Plan). As you know almost 40 county representatives representing 19 counties participated in the meeting. Also attending were representatives of affiliated organizations including the League of California Cities and the California Association of Environmental Health Administrators.

RCRC has adopted policy principles relating to groundwater which include support for the management of groundwater at the local level as effective and efficient management of groundwater quality and supply for beneficial uses is best managed by local jurisdictions. RCRC therefore appreciates recognition in the Groundwater Workplan that management challenges "... do not lend themselves to a "one size fits all" solution, given the varying physical and institutional characteristics of California's groundwater basins."

The Groundwater Workplan states that "... the State Water Board has broad constitutional authority to prevent the waste and unreasonable use of the State's water resources (including groundwater)." While this statement is accurate it raises the question as to the intent behind the statement. Is the State Water Board signaling its intent to exercise this authority to regulate use of groundwater for specific types of uses

it deems to be wasteful or unreasonable? Clarification as to what is intended would be appreciated.

As you know, the Brown Administration has recently released for public review and comment the Water Action Plan. The draft Water Action Plan and the Groundwater Workplan appear to differ somewhat on approach. For example, the Water Action Plan states that Bulletin 118 should be updated and that it should include recommendations for state, federal, and local actions to improve groundwater management. The inference is that there would be stakeholder involvement in the development of both the data and the recommendations.

The Groundwater Workplan, on the other hand, contains statements that the Legislature could or should take certain actions to increase or add new requirements upon local groundwater management entities, among others. While the Groundwater Workplan acknowledges that local and regional groundwater management exists in much of the state and that these efforts have produced impressive results, and further states that the Water Boards will focus their attention and assistance on high-use basins where thresholds are being exceeded, RCRC notes that the recommendations for legislation would apply statewide.

An example of this overreaching is the recommendation that "The Legislature should require local management entities to establish thresholds for sustainable groundwater management in their local groundwater management plans and to report their progress." (3.1.2). This requirement, applied statewide, would only result in unnecessarily increasing costs for groundwater management entities who could utilize these funds to better effect doing their job at the local and regional level.

Prior to drafting changes to the Groundwater Workplan, RCRC suggests that State Water Board staff may want to gain a better understanding of how Basin Management Objectives (BMOs) are developed and utilized on the local and regional level.

At the November 15 meeting one of the participants suggested that the State Water Board should focus on a Groundwater Workplan that is specific to its authority and responsibilities. RCRC agrees with this comment. RCRC also suggests that any recommendations for state, federal, and local actions to improve groundwater management, potentially including suggested legislation, would be best developed through a process that includes stakeholder involvement and buy-in.

As you know, there are multiple state agencies that are involved in groundwater in one manner or other (i.e. water supply, water quality, science and monitoring, cleanup, local financial assistance). RCRC suggests that coordination between state agencies to jointly assist local groundwater managers with technical and financial assistance, for example, should be a higher priority for the State than the imposition of new costly requirements and/or the creation of new unfunded programs. As was

mentioned by one of the participants at the recent meeting with county representatives, the State could accomplish more by providing funding to locals to aid in and expand upon their efforts.

As was mentioned by another participant at the recent meeting, the State is not funding existing programs, and the example given was the Department of Water Resources California Statewide Groundwater Elevation Monitoring (CASGEM) program. The CASGEM program collects groundwater elevation data and the identification of seasonal and long-term trends which were deemed to be fundamental to assessing and sustaining California's groundwater resources (SBX7 6).

According to the status report submitted to the Legislature January 1, 2012, funding will be exhausted by June 2014. The funding utilized by the State to date has been Proposition 50 Water Supply Reliability bond funds. The status report also notes the local agencies are also struggling to comply with CASGEM requirements due to budget constraints and cutbacks. These local agencies include counties that do not manage groundwater but absent another entity undertaking the task, must "volunteer" to conduct the required monitoring or become ineligible for water grants or loans by the State.

The Irrigated Lands Program (Program) currently being implemented by the Central Valley Regional Water Quality Control Board has imposed substantial new requirements and costs upon the agricultural industry. The agricultural coalitions formed in order to comply with Program requirements will be conducting an assessment of the groundwater to determine a base-line for groundwater quality standards and provide guidance for the development of Farm Management Plans. The suggested "Potential Water Board Actions" (3.1.1) do not acknowledge or appear to take into account this existing Program and activities that have or will be undertaken.

As RCRC has stated previously in various other venues, funding for proposed actions related to water will be the single most challenging issue facing the Administration. That is why prioritization of actions ultimately undertaken as part of the State Water Board's Groundwater Workplan is so important.

To summarize, RCRC respectfully requests State Water Board consideration of the following recommendations:

- The Groundwater Workplan should focus on potential State Water Board actions that are within its authority and responsibilities.
- The Groundwater Workplan should go into greater detail so that the reader has a better understanding as to what is intended.
- The Groundwater Workplan should consistently throughout the document acknowledge that local and regional groundwater management entities are the responsible agencies, and focus on how the State Water Board can assist these agencies in accomplishing their mission.

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- Recommendations for what other State agencies “could” or “should” do should be deleted. These recommendations do not improve, but rather detract, from the document.
- Recommendations for what the Legislature “could” or “should” do relating to enactment of new legislation should be deleted. Instead, the Groundwater Workplan should defer to what appears to be the Water Action Plan process involving stakeholders for developing proposed recommendations for actions to improve groundwater management.
- The Groundwater Workplan should focus on assisting groundwater management entities in groundwater basins that would benefit most from State technical and financial assistance.
- The State Water Board, in the Groundwater Workplan, should prioritize actions it intends to undertake with an eye towards maximum return. Resources will remain limited, and other State priorities remain unfunded.
- The Groundwater Workplan should define the terms used in the document.

In conclusion, RCRC appreciates the opportunity to provide comments on the draft Groundwater Workplan. Please contact me at (916) 447-4806 or kmannion@rcrcnet.org if you have any questions.

Kathy Mannion

A handwritten signature in black ink that reads "Kathy Mannion". The signature is written in a cursive, flowing style.

Legislative Advocate

cc: Members, State Water Resources Control Board
Tom Howard, Executive Director, State Water Board
Eric Oppenheimer, Director, State Water Board Office of Research, Planning and Performance
Caren Trgovcich, Chief Deputy Director, State Water Board
Gordon Burns, Undersecretary, Cal-EPA
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